

Arkansas Alternative Dispute Resolution Commission Rules for Regulation of Proceedings

I. DESCRIPTION

The Arkansas Alternative Dispute Resolution Commission (“Commission”) is composed of seven appointed Commissioners. The mission of the Commission is to provide the citizens of Arkansas with alternative methods of resolving their disputes. To achieve that mission, the Arkansas 80th General Assembly assigned the following authority and responsibilities to the Commission:

- a) promote in a systematic manner the appropriate use of ADR;
- b) provide education to the courts, other government agencies, and the public on methods, advantages, and applications of ADR;
- c) Establish standards and regulations for the certification, professional conduct, discipline, and training of persons who shall be eligible and qualified to serve as compensated mediators, negotiators, conciliators, arbitrators, or other alternative dispute resolution neutrals in and for state and local courts.
- d) Develop recommended guidelines, including the types of disputes which may be subject to alternative dispute resolution and standard procedures for mediation, and other forms of alternative dispute resolution;
- e) Assist state and local courts and governmental and other agencies with the development and implementation of alternative dispute resolution programs;
- f) Develop standardized forms for use in state and local courts and governmental and other agencies for the reference of cases to alternative dispute resolution and for the purpose of monitoring the use of alternative dispute resolution in the state;
- g) Establish fees to be levied by the courts and governmental and other agencies and paid by parties utilizing alternative dispute resolution processes;
- h) Apply for and accept gifts or grants from any public or private source for use in maintaining and improving alternative dispute resolution programs in the state; and
- i) Collect fees for tuition and registration of educational programs and to assist in maintaining a roster of third-party neutrals.

II. COMMISSION & STAFF

A. Commission Organization

1. The Commission shall consist of seven (7) members who shall be appointed as follows:
 - S three (3) members shall be attorneys appointed by the Chief Justice of the Arkansas Supreme Court, one (1) of whom shall have been recommended to the court by the Arkansas Bar Association
 - S One (1) member shall be appointed by the Speaker of the House of Representatives

- S One (1) member shall be appointed by the President Pro Tempore of the Senate
S Two (2) members shall be appointed by the Governor
2. All members of the Commission shall have demonstrated prior interest or involvement in alternative dispute resolution.
 3. Pursuant to Ark. Code Ann. § 16-7-102(a)(3), at least (1) commission member shall be an Arkansas resident considered to be a representative of voluntary or nonprofit alternative dispute resolution programs in the State of Arkansas.
 4. Each Commissioner has a responsibility to attend all regular or special meetings of the Commission. Any Commissioner who fails to attend three (3) consecutive regular meetings shall be subject to removal from the Commission pursuant to Ark. Code Ann. § 25-17-211.
 5. In accordance with Ark. Code Ann. § 16-7-102(a)(4), Commissioners shall be appointed for terms of six (6) years.
 6. If any member dies, resigns, or is otherwise unable to serve prior to the expiration of the term, the appointing entity shall appoint a successor to serve the unexpired portion of the term.
 7. The Commission shall elect a chairman. The Chairman will serve for a term of one (1) year. The Commission may elect a vice-chairman who may serve as chairman in the absence or disability of the chairman.
 8. The election of chairman and vice-chairman shall take place by a vote of the total membership at the first regular meeting of the Commission following July 1 of each year.
 9. A majority of the Commission shall constitute a quorum.

B. Staff Organization

1. The Commission shall select a Coordinator of Alternative Dispute Resolution Programs, who shall be an employee of the Administrative Office of the Courts.
2. Other employees may be added by the Commission as are needed to carry out the purposes of the Commission as set forth in Ark. Code Ann. § 16-7-101 et seq.
3. Though the Coordinator's hiring of staff shall be with the consent of the Commission, such employees, once approved for employment, shall be the responsibility of the Coordinator in matters common to an employer/employee relationship and the Coordinator shall be responsible to the Commission for the actions of employees on staff.

C. Meeting Times and Sites

1. The Commission shall hold regular quarterly meetings each year on dates fixed by the Commission and such special meetings as the Commission determines are necessary.
2. The date, time and place of each regular meeting shall be furnished to anyone who requests the information.
3. The Commission may vary its meeting site to accommodate its needs and accomplish its purposes.

4. The Coordinator shall prepare a proposed agenda for each regular and special meeting, and the proposed agenda shall be distributed to the Commission members prior to any such meeting. Any Commissioner may add items to the agenda by notification to the Coordinator twenty-four (24) hours before the scheduled meeting date. Any item may be added to the agenda at any time with the unanimous consent of the members present at the meeting.
- D. Meeting Procedure
1. All meetings of the Commission shall be governed by Robert's Rules of Order, except as may be modified by a majority of the Commission members and by these rules of practice and procedure.
 2. Any Commissioner who has an actual conflict of interest in any proceeding before the Commission shall recuse voluntarily from any involvement in the matter. If a majority of the Commissioners determines that one of its members has such a conflict, they may, by affirmative vote, disqualify said member from participation in the matter.
 3. All meetings of the Commission, except as provided in subparagraph (D)(4) of this section or Ark. Code Ann. § 25-19-106(c), shall be open to the public.

III. GENERAL ADMINISTRATION

1. The Commission may delegate to the Coordinator the authority to operate the Commission office, with his or her duties enumerated by the Commission. Such duties shall include, but not be limited to, the following:
 - a. Conducting general administration of the Commission office and its staff in a business-like and efficient manner. The Coordinator shall periodically report to the Commission concerning the conduct and operation of the office;
 - b. Managing the appropriated budget of the Commission, and ensuring that all expenditures from budgeted money are made within the law and general purposes of the Commission. The Coordinator shall periodically report to the Commission concerning the financial status of the office;
 - c. Preparing and maintaining files and records on the activities, matters and persons coming under the authority and responsibility of the Commission;
 - d. Receiving and responding to correspondence on behalf of the Commission on matters relating to official Commission business;
 - e. Managing travel, logistics, expenses and reimbursement for Commissioners and staff and scheduling seminars and training by and for the Commission; and
 - f. Ensuring that the Commission office and its employees comply with the law and carry out the duties as may, from time to time, be enumerated by the Commission.

IV. MATTERS BEFORE THE COMMISSION

A. Appeal Hearings

1. ~~Any applicant to the Commission's Roster of Mediators who is denied inclusion shall have the right to request a hearing before the Commission for reconsideration of such a denial.~~
2. ~~Such a request by the applicant must be in writing and addressed to the Coordinator of the Commission and must be made within 30 days of the receipt of notification of denial.~~
3. ~~The Coordinator shall distribute the request for reconsideration to all members of the Commission.~~
4. ~~The Coordinator shall provide notification of the time, date, and location of the appeal hearing at least 14 days prior to the scheduled date.~~
5. ~~The applicant shall have 30 minutes in which to present their request for reconsideration. After the applicants presentation, members of the Commission may ask questions of the applicant.~~
6. ~~At the conclusion of the applicants appeal, the Commission will go into executive session. At the conclusion of the executive session, if a final decision has been rendered, the Commission shall reconvene for a public vote on the applicants request. The Commission shall render a final decision within 15 days of the hearing.~~

A. Certification Reconsideration

1. See the *Requirements for the Certification of Mediators for Circuit Courts*

B. Disciplinary Hearings

1. See the *Procedures for the Discipline of Mediators*

C. Grant Applications

1. The process may be varied from year to year as needed.
2. Grant guidelines will be available to the public along with the grant applications.